

# STATE OF RHODE ISLAND

## RHODE ISLAND ETHICS COMMISSION

### PROPOSED AMENDED REGULATION 1011

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#### **Regulation 1011 - Informal Disposition.**

- (a) At any time subsequent to a finding by the Commission that the Complaint, and any amendment thereto, states a knowing and willful violation of the Code of Ethics, the Executive Director or designee, with the concurrence of the Respondent and/or counsel, may seek an informal disposition through an agreed settlement, consent order, or other informal resolution of the pending Complaint.
- (b) The Executive Director or designee may meet with the Respondent and/or counsel for an informal conference to seek such informal disposition. The informal conference shall not be transcribed or recorded and no statements made by any person at such conference shall be used as evidence in any subsequent proceeding.
- (c) These Regulations shall in no way limit the resolution of any matter pursuant to R.I. Gen. Laws § 42-35-9(d), provided that any informal disposition of a pending Complaint shall be subject to the approval of the number of Commission members otherwise required to vote in the affirmative to find a violation of the Code of Ethics. For purposes of this Regulation, any hearing conducted by the Commission to review an informal disposition, prior to its approval and issuance, shall be treated as a proceeding in Executive Session, pursuant to R.I. Gen. Laws § 42-35-9(d). The approved informal disposition of the Complaint shall become a public record.
- (d) If the Complaint at issue has been filed by a Complainant, he or she shall be ~~sent a copy of the proposed informal disposition and may attend the hearing scheduled to be held by the Commission to review said disposition.~~ notified of the date upon which the Commission will consider the proposed informal disposition, shall be notified of any actions taken by the Commission regarding said informal disposition, and shall be provided with a copy of any approved informal disposition agreement and/or order.

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#### CONCISE SUMMARY OF NON-TECHNICAL AMENDMENT

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This amendment eliminates the Complainant's attendance in the executive session

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hearing to determine whether to approve an informal resolution, and also eliminates the

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dissemination to Complainant of a proposed settlement prior to its approval, recognizing

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that the Complainant is not a party to an enforcement action. Rather, the people of the

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State of Rhode Island, represented by the Executive Director or his/her designee, and the

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Respondent are the parties in interest.